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Attorneys for Plaintiffs and the Proposed Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CATS AND DOGS ANIMAL HOSPITAL,
INC.; ASTRO APPLIANCE SERVICE;
BLEEDING HEART, LLC; CALIFORNIA
FURNISHINGS, INC.; CELIBRÉ, INC.; J.L.
FERRI ENTERTAINMENT, INC.; LE
PETITE RETREAT DAY SPA, LLC; SAN
FRANCISCO BAY BOAT CRUISES, LLC;
WAG MY TAIL, INC.; and ZODIAC
RESTAURANT GROUP, INC., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

YELP! INC.,

Defendant.

BORIS Y. LEVITT, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

YELP! INC.; and DOES 1 through 100,
inclusive,

Defendants.

Case No. 3:10-cv-02351 MHP

**PLAINTIFFS' NOTICE OF OPPOSITION
TO YELP'S MOTION FOR
CONSOLIDATION AND CROSS-
MOTION FOR:**

**(A1) DESIGNATION OF *CATS AND DOGS*
AS LEAD ACTION AND STAY OF
LEVITT ACT OR, IN THE
ALTERNATIVE, (A2) CONSOLIDATION
OF ACTIONS, DEEMING *CATS AND*
DOGS FIRST AMENDED COMPLAINT
AS THE OPERATIVE PLEADING;**

**(B) APPOINTMENT THE WESTON FIRM
AND BECK & LEE AS INTERIM CLASS
COUNSEL; AND**

**(C) SUBMISSION OF FULLY-BRIEFED
MOTION TO DISMISS FOR HEARING.**

Case No. CV 10-01321 MHP

Judge: The Hon. Marilyn Hall Patel
Hearing Date: July 19, 2010
Hearing Time: 2:00 p.m.

NOTICE OF OPPOSITION AND CROSS-MOTION & CROSS-MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE that on Monday, July 19, 2010, at 2:00 p.m., or as soon thereafter as this Opposition and Cross-Motion may be heard, Plaintiffs CATS AND DOGS ANIMAL HOSPITAL, INC., ASTRO APPLIANCE SERVICE, BLEEDING HEART, LLC, CALIFORNIA FURNISHINGS, INC., CELIBRÉ, INC., J.L. FERRI ENTERTAINMENT, INC., LE PETITE RETREAT DAY SPA, LLC, SAN FRANCISCO BAY BOAT CRUISES, LLC, WAG MY TAIL, INC., and ZODIAC RESTAURANT GROUP, INC. (collectively “Plaintiffs”) will and hereby do:

(1) Oppose Defendant YELP! INC.’s Motion to Consolidate Related Cases For All Purposes And To Set Dates For Consolidated Amended Complaint And Response Thereto (Dkt. No. 64); and

(2) Cross-Move for an order providing:

a. The *Cats and Dogs* action, No. 10-cv-2351, is designated the lead action, and the *Levitt* action, No. 10-cv-1321 is stayed pending resolution of the *Cats and Dogs* action;¹

b. The Weston Firm and Beck & Lee Business Trial Lawyers are appointed Interim Class Counsel; and

c. Yelp’s fully-briefed Motion to Dismiss (Dkt. Nos. 22-23, 27, 40, 51) is submitted, and put on for hearing at the Court’s earliest convenience.

This Opposition and Cross-Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the accompanying Declarations of Gregory S. Weston (“Weston Decl.”), Jack Fitzgerald (“Fitzgerald Decl.”), Jared H. Beck (“J. Beck Decl.”), and Elizabeth Lee Beck (“E. Beck Decl.”) and the exhibits thereto, all previous papers and proceedings in this and the *Levitt* actions, oral argument, and such other materials and argument as may be presented in connection with the hearing and Plaintiffs’ Opposition and Cross-Motion.

¹ In the alternative to staying *Levitt*, the *Cats and Dogs* Plaintiffs move for an order consolidating the *Cats and Dogs* and *Levitt* actions, and deeming the *Cats and Dogs* First Amended Complaint the operative pleading in the consolidated action.

1 DATED: June 14, 2010

Respectfully Submitted,

2 /s/ Jack Fitzgerald

3 Jack Fitzgerald

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